

REMARKS

This amendment is responsive to Examiner's Office Action mailed 3/25/03. Claims 1-3, 6, and 36-39 are pending in this application. Reconsideration of the subject application, in light of the foregoing amendments, pursuant to and consistent with 37 C.F.R. 1.112, and in light of the remarks that follow, is respectfully requested.

Applicants thank Examiner for withdrawing objection to the phrase "therapeutically effective amount."

In response to the Draftsman's comments and by the present amendment, the specification has been amended to delete Figure 8 and introduce corrected, replacement Figures 2A, 2B, 4A, 4B, 5, 6, 8 and 9. Additionally, corresponding amendments in the specification reflecting this Figure numbering change have been introduced.

Claims 1-3, 6, and 36-39 have been canceled and new claims 40-43 introduced in response to the Examiner's rejection set forth in the Office Action of 3/25/03. The Examiner suggested that the claims recite the actual SEQ ID NO:s of the protein and Applicants have complied. Specifically, the term "mFlint" has been changed to "a protein having the sequence as shown in SEQ ID NO: 6 or SEQ ID NO: 8." Support for this amendment exists on page 6, lines 7-9 and page 8, lines 17-22. Applicants assert that no new matter has been added. It is believed that these amendments should place the case in condition for allowance.

Turning now to the Office Action, Claims 1-3, 6 and 36-39 are objected to for failure to comply with 35 U.S.C. § 112, second paragraph. The Examiner objects to the term "mFLINT" or "FLINT" being defined by way of examples. This rejection should be moot based on the present cancellation of Claims 1-3, 6 and 36-39 and addition of Claims 40-43 which refer to the protein by SEQ ID NOS.

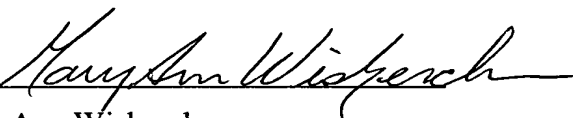
Claims 1-3, 6 and 36-39 also stand rejected under 35 U.S.C. § 112, first paragraph as being not enabled. The Examiner asserts that the specification is enabled for method of treatment comprising the administration of a protein with the amino acid sequence depicted in Figure 4, but not enabled for methods of treatment comprising administration of a protein termed "mFLINT." Applicants respectfully note that the term "mFLINT" refers not only to the protein with the amino acid sequence depicted in Figure 4 (SEQ ID NO: 8) as stated in the specification (Paper 29) on Page 8, lines 21-22, but also the protein with the

Serial No. 09/280,567

amino acid sequence depicted in Figure 3 (SEQ ID NO: 6) as stated in the specification on Page 8, lines 18-20. This rejection should now be moot based on the language in new Claims 40-43 which refer to the mFLINT protein by SEQ ID Nos.

Entry of the foregoing amendments and favorable action on the merits is respectfully requested. Based on the foregoing, this application is believed to be in condition for allowance. A Notice to that effect is respectfully solicited. However, if any issues remain outstanding, the Examiner is respectfully requested to contact the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

By: 

MaryAnn Wiskerchen
Agent for Applicants
Registration No. 45, 511
Phone: 317-655-9326

Eli Lilly and Company
Patent Division
P.O. Box 6288
Indianapolis, Indiana 46206-6288

July 14, 2003